

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROGER DALE DEAN, #1068114 §
VS. § CIVIL ACTION NO. 6:15cv479
WILLIAM STEPHENS, ET AL. §

ORDER OF DISMISSAL

Plaintiff Roger Dale Dean, an inmate confined at the Michael Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (docket entry #9) concluding that the case should be dismissed without prejudice for want of prosecution and failure to obey an order because Plaintiff failed to comply with an order to pay an initial partial filing fee of \$56.37.

Plaintiff has filed objections. He asked the Court to reverse the Magistrate Judge's order or, alternatively, dismiss the case without prejudice in order to permit him to refile the complaint. He attached documentation showing that he has the money to pay the initial partial filing fee. Over the last six months, his average monthly deposits were \$280.83. Nonetheless, the Court has not received the initial partial filing fee from him in this case.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and that Plaintiff's objections lack

merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #9) is **ADOPTED**. It is also **ORDERED** that the civil rights complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 19th day of August, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE